

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Greenway Pointe, Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) (William T. Buckley, applicant, on behalf of CCHH Greenway N. Prop. LLC, property owner)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matt West **CONTACT:** Jeff Hopper **EXT** 7431

**Agenda Date** 09/01/04 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the requested rezone from A-1 (Agriculture) to PUD (Planned Unit Development), located at the northwest corner of SR 426 and SR 417, per the attached Development Order (William T. Buckley, applicant); or
2. Recommend DENIAL of the requested rezone from A-1 (Agriculture) to PUD (Planned Unit Development), located at the northwest corner of SR 426 and SR 417, (William T. Buckley, applicant); or
3. CONTINUE the item to a time and date certain.

District 1 – Maloy


Jeff Hopper-Senior Planner

**BACKGROUND:**

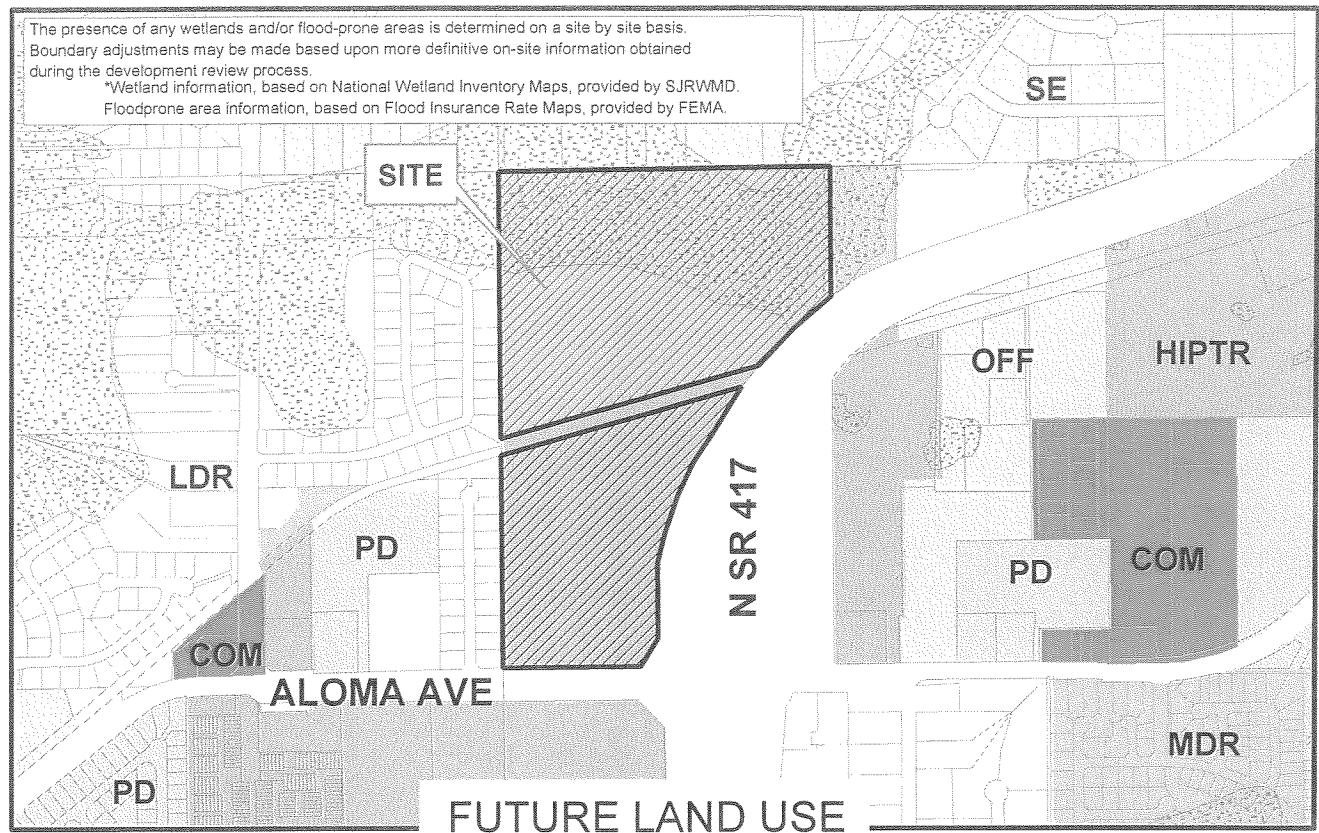
The applicant is proposing a PUD establishing multiple family and commercial uses on a 65-acre site north of SR 426 and west of SR 417. The subject property is bisected by a future segment of the Cross-Seminole Trail, which also serves as a boundary between two different future land use designations on the site. The parcel to the north of the trail is Medium Density Residential (MDR), permitting a maximum density of 10 units per net buildable acre. To the south of the trail, the subject property is in HIP-TR or Higher Intensity Planned Development – Transitional. This designation permits commercial uses and/or residential development to a maximum of 20 units per acre. The preliminary plan submitted for application purposes does not propose specific uses or site layouts.

**STAFF RECOMMENDATIONS:**

Staff recommends APPROVAL of the request subject to appropriate conditions to ensure compatibility with surrounding properties. Recommended conditions of approval are listed in the attached staff report and Development Order.

Reviewed by:	
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No. <u>Z2004-035</u>	

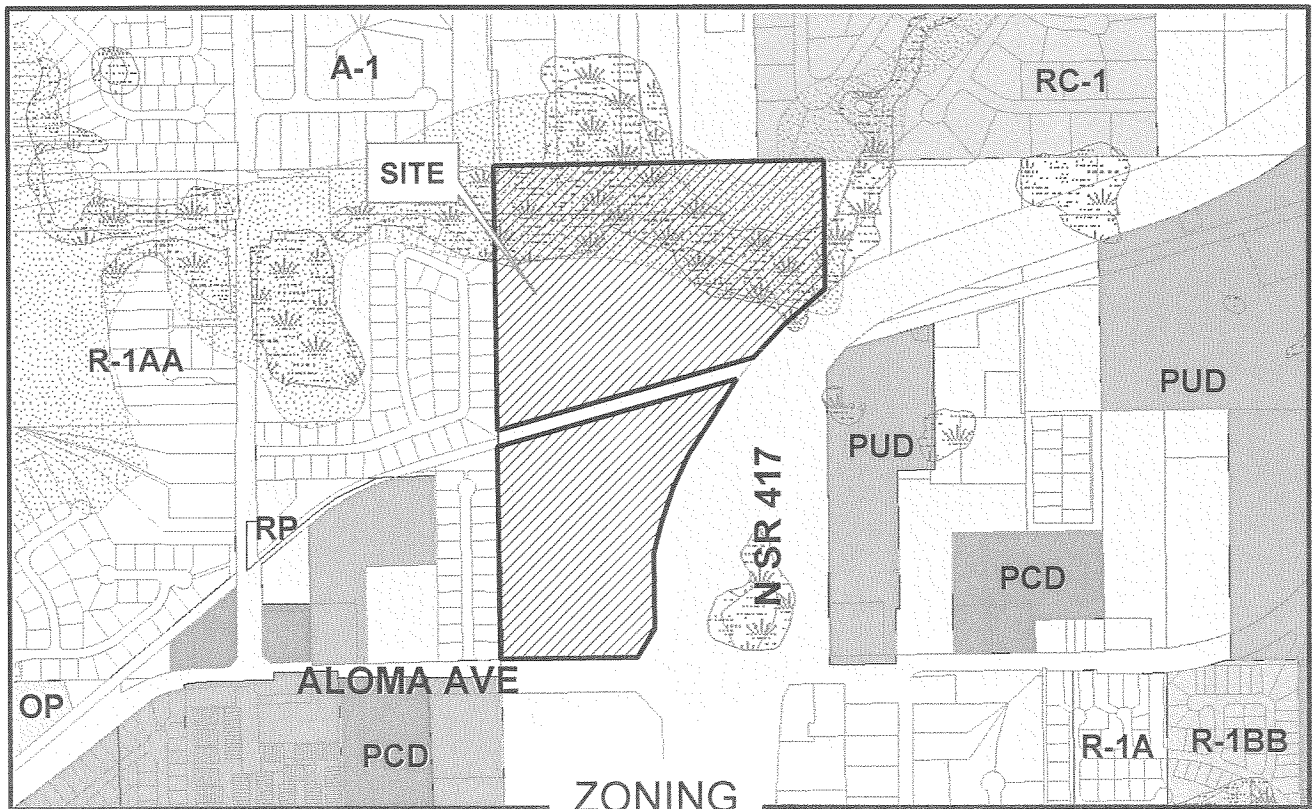
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site SE LDR MDR PD OFF COM HIPTR CONS

Applicant: Greenway N. Prop. LLC  
Physical STR: 31-21-31-300-0240 & 024A-0000  
Gross Acres: +/- 65.1 BCC District: 1  
Existing Use: Agricultural  
Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-035	A-1	PUD



Site R-1AA R-1A R-1BB RP OP PUD A-1 RC-1 PCD  
FP-1 W-1



Rezone No: Z2004-035  
 From: A-1 To: PUD

- ☐ Parcel
- ☐ Subject Property



February 1999 Color Aerials



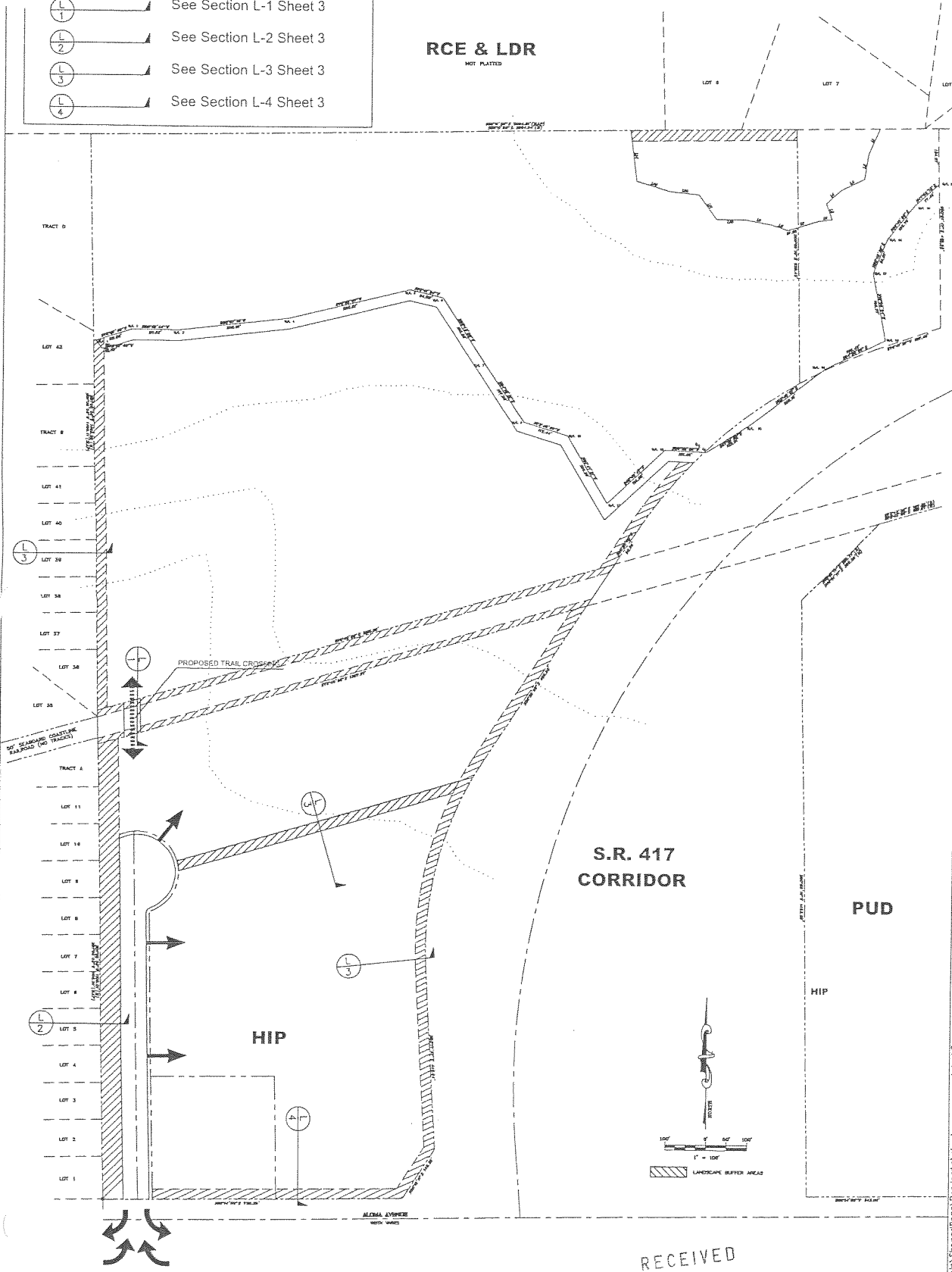
# CONCEPTUAL LANDSCAPE PLAN IN SEMINOLE COUNTY, FLORIDA **GREENWAY POINTE**

FLORIDA LAND DESIGN, INC.  
222 SOUTH WESTLAND AVENUE, SUITE 200  
ALBUQUERQUE, NEW MEXICO 87102  
(505) 263-1111 FAX (505) 263-1112

NO.	DATE	DESCRIPTION
1	08/01/04	ISSUED FOR PERMITTING
2	08/01/04	ISSUED FOR PERMITTING
3	08/01/04	ISSUED FOR PERMITTING
4	08/01/04	ISSUED FOR PERMITTING
5	08/01/04	ISSUED FOR PERMITTING
6	08/01/04	ISSUED FOR PERMITTING
7	08/01/04	ISSUED FOR PERMITTING
8	08/01/04	ISSUED FOR PERMITTING
9	08/01/04	ISSUED FOR PERMITTING
10	08/01/04	ISSUED FOR PERMITTING

- KEY**
- See Section L-1 Sheet 3
  - See Section L-2 Sheet 3
  - See Section L-3 Sheet 3
  - See Section L-4 Sheet 3

**RCE & LDR**  
NOT PLATTED



RECEIVED

AUG 16 2004

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## GREENWAY POINTE

REQUEST INFORMATION		
APPLICANT	William T. Buckley / Florida Land Design Inc.	
PROPERTY OWNER	CCCH Greenway N. Prop. LLC	
REQUEST	Rezone from A-1 to PUD	
HEARING DATE (S)	P&Z: Sept. 1, 2004	BCC: Oct. 12, 2004
PARCEL NUMBERS	31-21-31-0240-0000 31-21-31-024A-0000	
LOCATION	North of SR 426 and west of SR 417	
FUTURE LAND USE	MDR and HIP-TR	
FILE NUMBER	Z2004-035	
COMMISSION DISTRICT	1 – Maloy	

### OVERVIEW

**Zoning Request:** The applicant is proposing a PUD establishing multiple family and commercial uses on a 65-acre site north of SR 426 and west of SR 417. The subject property is bisected by a future segment of the Cross-Seminole Trail, which also serves as a boundary between two different future land use designations on the site. The parcel to the north of the trail is Medium Density Residential (MDR), permitting a maximum density of 10 units per net buildable acre. To the south of the trail, the subject property is in HIP-TR or Higher Intensity Planned Development – Transitional. This designation permits commercial uses and/or residential development to a maximum of 20 units per acre. The preliminary plan submitted for application purposes does not propose specific uses or site layouts.

Access to the site will be through a planned intersection approved by the Florida Department of Transportation. Having obtained this approval, the intersection's designers have already addressed relevant safety and engineering concerns, particularly in regard to SR 417 approximately 800 feet to the east. The new intersection will also serve future residential and commercial development to the south of SR 426. One potential user would be Deep Lake PUD, a mixed use development consisting of townhouses and commercial uses, located south of the subject site and west of Deep Lake Road.

Adjacent to Greenway Pointe on the west is Bear Creek, a single family subdivision in R-1AA zoning. To maintain compatibility with this development, the applicant proposes a buffer of 50 feet in width to the south of the Cross-Seminole Trail and 25 feet in width north of the Trail. Both buffers would include a 6-foot brick or masonry wall and 8 canopy trees per 100 linear feet. Building setbacks from the west, within the HIP area, would be 50 feet for 1-story buildings and 100 feet for 2-story buildings. Residential units adjacent to the west property line would be prohibited from having balconies facing westward.

Also being proposed are landscaped buffers of 25 feet adjacent to SR 426 and SR 417, and 15 feet adjacent to both sides of the Trail right-of-way. Additionally, a 25-foot buffer would be provided on a portion of the north property line, where a 1.59-acre upland area of the site abuts Roann Subdivision in the RC-1 zoning classification.

Common usable open space within the project, as required for a PUD, cannot be fully assessed through the conceptual Preliminary Master Plan submitted by the applicant. Compliance with this requirement will be evaluated at the Final Master Plan stage of review. However, a 19.68 acre wetland area will count toward a substantial portion of the required 25% open space.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	Existing Zoning	Future Land Use	Existing Use
North	A-1 / RC-1	SE	single family
South	A-1	HIP - TR	vacant
East	NA	NA	SR 417
West	R-1AA	LDR	single family

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed rezoning is consistent with the adopted future land use designations assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Water and sewer service will be provided by Seminole County.

**Compliance with Environmental Regulations:** At this time there are no concerns regarding compliance with environmental regulations. Prior to Final Master Plan approval, wetland areas must be delineated and approved by the St. Johns River Water Management District. Also, a threatened and endangered species report must be submitted.

**Compatibility with surrounding development:** Currently, the surrounding properties have LDR, HIP and SE future land use designations. The proposed development would be limited to uses consistent with the policies of the Vision 2020 Plan. With adequate buffering along site boundaries, the proposed PUD would be compatible with surrounding development.



## **STAFF RECOMMENDATIONS:**

Staff recommends APPROVAL subject to the following conditions:

- a. Permitted and special exception uses in Tract A shall be in accordance with the provisions of C-2 and R-4, except that the following uses shall be prohibited:
  - communications towers
  - lumber yards
  - mechanical garages
  - paint and body shops
  - auto repair
- b. Residential density within the portion of Tract B lying north of the Cross-Seminole Trail shall be limited to a maximum of 10 units per net buildable acre. Permitted uses shall be fee simple townhouses, condominiums, single family homes, home occupations and home offices.
- c. Residential portions of the development shall not be designed or marketed as student housing.
- d. Balconies shall be prohibited on the sides of residential units that face the west or north property lines.
- e. Use of common areas shall be limited to open space, recreational amenities, and utility facilities serving all residents of the development.
- f. There shall be a 25-foot setback and landscaped buffer on upland areas adjacent to the west property line north of the Cross-Seminole Trail. The buffer shall contain a 6-foot brick or masonry wall and the following landscape plantings per 100 linear feet:
  - 8 canopy trees (min. 3" diameter measured 1 foot above ground)
  - 9 understory trees (min. 6' in height, 1½" diameter measured 1 foot above ground)
  - 24 shrubs
- g. There shall be a 50-foot setback and landscaped buffer adjacent to the west property line south of the Cross-Seminole Trail. The buffer shall contain a 6-foot brick or masonry wall and the following landscape plantings per 100 linear feet:
  - 8 canopy trees (min. 3" diameter measured 1 foot above ground)
  - 12 understory trees (min. 6' in height, 1½" diameter measured 1 foot above ground)
  - 48 shrubs
- h. There shall be a 25-foot buffer adjacent to SR 417 and a 15-foot buffer adjacent to the Cross-Seminole Trail. Landscape planting requirements shall be determined at Final Master Plan.
- i. Existing vegetation of appropriate type, size and location may count toward buffer requirements stated herein.
- j. Nonresidential building height shall be limited to 35 feet. Setbacks from the west property line within the HIP area shall be as follows:
  - 50 feet for 1-story buildings
  - 100 feet for 2-story buildings

- k. Residential units shall be set back a minimum of 20 feet from front lot lines (if applicable) or nearest edge of the sidewalk, whichever distance is less.
- l. Front walls of townhouse units shall be staggered.
- m. Mechanical units shall be located and/or screened so as not to be visible from SR 426 or adjoining single family development.
- n. A minimum of twenty-five (25) percent of the project area must be designated as usable common open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- o. All landscape buffers and common areas shall be maintained by a homeowners association.
- p. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- q. Outdoor lighting adjacent to the west and north property boundaries will be limited to decorative lighting affixed to the fronts of buildings. Security lighting with motion sensors shall be permitted on any part of the site.
- r. At Final Master Plan, the applicant shall demonstrate that 25 percent of trees on the site are being preserved.
- s. Active recreational uses shall be set back 200 feet from the north and west property lines.

FILE #Z2004-035

DEVELOPMENT ORDER #04-20500004

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On October 12, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** CCCH Greenway N. Prop. LLC, et al

**Project Name:** GREENWAY POINTE

**Requested Development Approval:** Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Permitted and special exception uses in Tract A shall be in accordance with the provisions of C-2 and R-4, except that the following uses shall be prohibited:
  - communications towers
  - lumber yards
  - mechanical garages
  - paint and body shops
  - auto repair
- b. Residential density within the portion of Tract B lying north of the Cross-Seminole Trail shall be limited to a maximum of 10 units per net buildable acre. Permitted uses shall be fee simple townhouses, condominiums, single family homes, home occupations and home offices.
- c. Residential portions of the development shall not be designed or marketed as student housing.
- d. Balconies shall be prohibited on the sides of residential units that face the west or north property lines.
- e. Use of common areas shall be limited to open space, recreational amenities, and utility facilities serving all residents of the development.
- f. There shall be a 25-foot setback and landscaped buffer on upland areas adjacent to the west property line north of the Cross-Seminole Trail. The buffer shall contain a 6-foot brick or masonry wall and the following landscape plantings per 100 linear feet:
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- h. There shall be a 25-foot buffer adjacent to SR 417 and a 15-foot buffer adjacent to the Cross-Seminole Trail. Landscape planting requirements shall be determined at Final Master Plan.

- i. Existing vegetation of appropriate type, size and location may count toward buffer requirements stated herein.
- j. Nonresidential building height shall be limited to 35 feet. Setbacks from the west property line within the HIP area shall be as follows:
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- k. Residential units shall be set back a minimum of 20 feet from front lot lines (if applicable) or nearest edge of the sidewalk, whichever distance is less.
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- o. All landscape buffers and common areas shall be maintained by a homeowners association.
- p. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- q. Outdoor lighting adjacent to the west and north property boundaries will be limited to decorative lighting affixed to the fronts of buildings. Security lighting with motion sensors shall be permitted on any part of the site.
- r. At Final Master Plan, the applicant shall demonstrate that 25 percent of trees on the site are being preserved.
- s. Active recreational uses shall be set back 200 feet from the north and west property lines.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

FILE #Z2004-035

DEVELOPMENT ORDER #04-20500004

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman  
Board of County Commissioners

Attest:

\_\_\_\_\_  
Maryanne Morse  
Clerk to the Board of County Commissioners



**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, CCCH Greenway N. Prop. LLC, on behalf of itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Charles W. Clayton Jr.  
Managing Partner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

**STATE OF FLORIDA**

**COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CHARLES W. CLAYTON JR., and is personally known to me or who has produced \_\_\_\_\_ as identification and who acknowledged and executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

FILE #Z2004-035

DEVELOPMENT ORDER #04-20500004

EXHIBIT A

**LEGAL DESCRIPTION:**

LEG SEC 31 TWP 21S RGE 31E W 5/8 OF NW 1/4 LYING N OF RR (LESS EXPRESSWAY)

AND

LEG SEC 31 TWP 21S RGE 31E THAT PT OF NW 1/4 LYING S OF RR & WLY OF EXPRESSWAY

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Greenway Pointe Rezone Staff Report."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONING.**

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development) in accordance with the contents of the document titled "Greenway Pointe Rezone Staff Report" and Development Order #04-20500004:

Legal Description Attached as Exhibit A

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County

Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.**

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #04-20500004 in the official land records of Seminole County.

ENACTED this 12th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

FILE # Z2004-035

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

LEG SEC 31 TWP 21S RGE 31E W 5/8 OF NW 1/4 LYING N OF RR (LESS EXPRESSWAY)

AND

LEG SEC 31 TWP 21S RGE 31E THAT PT OF NW 1/4 LYING S OF RR & WLY OF  
EXPRESSWAY